

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

IN RE PORK ANTITRUST  
LITIGATION

Civil No. 18-1776 (JRT/JFD)

This Document Relates to:

ALL CONSUMER INDIRECT  
PURCHASER ACTIONS

**DECLARATION OF BRIAN D.  
PENNY IN SUPPORT OF  
PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES  
AND LITIGATION EXPENSES  
SUBMITTED ON BEHALF OF  
GOLDMAN SCARLATO & PENNY,  
P.C.**

I, Brian D. Penny, hereby declare and state as follows:

1. I am a partner in the law firm of Goldman Scarlato & Penny, P.C. I submit this declaration in support of Plaintiffs' Motion for an award of attorneys' fees and expenses in connection with the services rendered, and costs and expenses incurred, in the above-captioned action (the "Action"). I make this declaration based on my personal knowledge and if called as a witness, I could and would competently testify to the matters stated herein.

2. My firm and I serve as Counsel in this matter for Plaintiffs.

3. Attached hereto as **Exhibit 1** is my firm's total hours and lodestar, computed at current rates, for the periods: (1) from the inception of the case through December 31, 2022, and (2) from July 1, 2021 through December 31, 2022. The total number of hours spent by my firm from the inception of the case through December 31,

2022 was 10.4 hours with a corresponding current lodestar of \$7,540.00.<sup>1</sup> My firm did not incur any time in this matter from July 1, 2021 through and including December 31, 2022. This summary was prepared from contemporaneous, daily time records regularly prepared and maintained by the firm. The lodestar amount reflected in **Exhibit 1** is for work assigned by Plaintiffs' Co-Lead Counsel and was performed by professional staff at my law firm for the benefit of the Class/Plaintiffs during the aforementioned time periods. In preparing this time, I followed Co-Lead Counsel's protocol for time keeping and assignments and have audited my time to comply with that protocol. The hourly rates for the attorneys and professional staff in my firm reflected in **Exhibit 1** are the usual and customary hourly rates charged by my firm in similar complex litigation matters.

4. From July 1, 2021 through December 31, 2022, my firm has not incurred any expenses in this matter.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on January 17th, 2023 in Conshohocken, Pennsylvania.

s/ Brian D. Penny  
Brian D. Penny

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<sup>1</sup> Such time does not include any time expended in completing this declaration.

**EXHIBIT 1****FIRM NAME****Reported Hours and Lodestar for the Entire Case Period**

Inception of the case through December 31, 2022

<b>Timekeeper</b>	<b>Professional Status</b>	<b>Hours</b>	<b>Current Rate</b>	<b>Total Lodestar</b>
Mark Goldman	P	1.5	\$725.00	\$1,087.50
Brian Penny	P	8.9	\$725.00	\$6,452.50
<b>Grand Total</b>		10.4		\$7,540.00

**Reported Hours and Lodestar Following the JBS Settlement**

July 1, 2021 through December 31, 2022

<b>Timekeeper</b>	<b>Professional Status</b>	<b>Hours</b>	<b>Current Rate</b>	<b>Total Lodestar</b>

